

SENATE BILL No. 58

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Filing deadline for deductions and credits. Permits an individual who was eligible for, but did not apply for, a property tax deduction or homestead credit for taxes payable in 2004 to apply before December 15, 2003, to receive the benefit.

Effective: Upon passage.

Simpson

November 21, 2003, read first time and referred to Committee on Finance.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 58

A BILL FOR AN ACT concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) For purposes of
2 this SECTION, "benefit" means:

3 (1) a credit under IC 6-1.1-20.9; or

4 (2) a deduction under any of the following:

5 IC 6-1.1-12-1

6 IC 6-1.1-12-9

7 IC 6-1.1-12-11

8 IC 6-1.1-12-13

9 IC 6-1.1-12-14

10 IC 6-1.1-12-16

11 IC 6-1.1-12-17.4.

12 (b) This SECTION applies to an individual who, with respect to
13 a real property parcel:

14 (1) did not receive a benefit for property taxes first due and
15 payable in 2003;

16 (2) met the eligibility criteria for the benefit under a provision
17 referred to in subsection (a) for property taxes first due and
18 payable in 2004; and



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(3) did not file a timely application as required by law for the benefit for property taxes first due and payable in 2004.

(c) Except as provided in subsection (d), an individual may:

- (1) claim a benefit referred to in subsection (a)(1) by meeting the filing requirements of IC 6-1.1-20.9; and
- (2) claim a benefit referred to in subsection (a)(2) by meeting the filing requirements of IC 6-1.1-12.

(d) The filing requirements for a benefit under this SECTION must be met before December 15, 2003.

(e) The department of local government finance shall:

- (1) prescribe forms; or
- (2) issue instructions for the use of existing forms;

for filing a claim under subsection (c).

(f) The county auditor shall determine the individual's eligibility for a benefit under this SECTION. If the county auditor determines that an individual is eligible for a benefit under this SECTION for a parcel, the county auditor shall:

- (1) apply the benefit with respect to taxes first due and payable in 2004 for the parcel; and
- (2) before January 1, 2004:

(A) send to the department of local government finance a revised certification under IC 6-1.1-17-1(a) for the county that reflects:

- (i) the benefits applied under this SECTION; and
- (ii) deductions under IC 6-1.1-12-37 applied as described in subsection (j); and

(B) certify to the department of local government finance the amount of homestead credits allowed in the county under this SECTION for property taxes first due and payable in 2004.

(g) The department of local government finance shall use the revised certifications received under subsection (f)(2)(A) in its determination of tax rates under IC 6-1.1-17-16 for taxes first due and payable in 2004. Notwithstanding IC 6-1.1-17-16(d), the department of local government finance may increase a political subdivision's tax rate to an amount that exceeds the amount originally fixed by the political subdivision based on the revised certification received under subsection (f)(2)(A).

(h) Before January 15, 2004, the department of local government finance shall certify the amount of homestead credits referred to in subsection (f)(2)(B) to the department of state revenue. For property taxes first due and payable in 2004, the

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1 department of state revenue shall allocate under IC 6-1.1-21-4
2 from the property tax replacement fund an additional amount
3 equal to the total amount of homestead credits allowed under this
4 SECTION for property taxes first due and payable in 2004. The
5 department of state revenue shall distribute the amount allocated
6 under this subsection in the same manner that other property tax
7 replacement fund distributions are made in 2004.

8 (i) A statement filed under this SECTION to obtain a benefit for
9 property taxes first due and payable in 2004 applies for that year
10 and any succeeding year for which the benefit is allowed.

11 (j) Each year a person who is entitled under this SECTION to
12 receive the homestead credit under IC 6-1.1-20.9 for property taxes
13 first due and payable in 2004 is entitled for that year to the
14 deduction under IC 6-1.1-12-37 from the assessed value of the real
15 property that qualifies for the homestead credit.

16 SECTION 2. An emergency is declared for this act.

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